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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,519	11/06/2000	Masakazu Yamamoto	198006US2PCT	1057

22850 7590 12/20/2002

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EXAMINER

LAU, TUNG S

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 12/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED: 12/23/01  
OBLON, SPIVAK, McCLELLAND  
MAIER & NEUSTADT, P.C.

DOCKETING DEPT.

Initials/Date Docketed: 12/23/01  
Type of Resp(s): 100  
Due Date(s): 3/20/02



<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/623,519		YAMAMOTO ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Tung S Lau		2863	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 21 October 2002.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-42 is/are pending in the application.

    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1,3-5,8-19,21-23 and 25-42 is/are rejected.

7) ☒ Claim(s) 2,6,7,20 and 24 is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All   b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>g</u> .	6) <input type="checkbox"/> Other: _____



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#### **DETAILED ACTION**

##### ***Response to Election/ Restriction requirement***

1. Applicant's arguments filed 10/21/2002 have been fully considered and they are persuasive, the examiner withdraw the restriction requirement.

##### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 3, 4, 5, 8-19, 21-23, 25-42 are rejected under 35 U.S.C. 102(a) as being anticipated by Wang et al. (U.S. Patent 5,619,433).

Wang discloses a diagnostic system, a method, a recording medium for fluid machinery first identifying means for inputting data on the fluid machinery represented by the flow rated-head characteristics, a controller, an identification means for identifying the operating flow rate or operating pressure of the fluid machinery, operating flow rate, power consumption, operating pressure, shaft power, port diameter, having a motor driven by a commercial AC power, shows the characteristic of the pump with plurality of curves, vary rotation speed , power

consumption, when flow rate is zero, reducing rotation speed, refine inputting the power consumption at the actual operating point/actual head, works under a shutoff operation, works under a maximum efficiency, with the valve fully open, result are corrected and displaying, related to the same surface of result calculated, storing the computed results, (abstract, col. 1, lines 25-32, col. 3-4, lines 44-40, col. 33, lines 33-56, col. 6-7, lines 10-21).

***Allowable Subject Matter***

1. Claims 2, 6, 7, 20, 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims.

As regards to claim 2:

The following is an examiner's statement of reasons for allowance: prior art fail to teach the use of suction port, discharge port, number of poles of motor, operating frequency of the motor, number of impeller stages, outer diameter of impeller.

As regards to claim 6, 20:

The following is an examiner's statement of reasons for allowance: prior art fail to teach the use of frequency converter as a primary component for reducing energy.

Claim 7 is allowed due to their dependency on claim 6.

As regards to claim 24:

The following is an examiner's statement of reasons for allowance: prior art fail to teach the use of fixed rotation speed of the fluid machinery for reducing energy.

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It is these features found in the claim, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes this claim allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 703-305-3309. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TC2800 RightFAX Telephone Numbers : TC2800 Official Before-Final RightFAX - (703) 872-9318, TC2800 Official After-Final RightFAX - (703) 872-9319

TC2800 Customer Service RightFAX - (703) 872-9317.

TL

  
BRYAN BUI  
PRIMARY EXAMINER